

# GIS REGISTRY

## Cover Sheet

July, 2008  
(RR 5367)

### Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

COMM #:

#### \*WTM COORDINATES:

X:  Y:

*\* Coordinates are in  
WTM83, NAD83 (1991)*

#### WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

#### Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

#### Land Use Controls:

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations  
between residential and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

*(note: maintenance plan for  
groundwater or direct contact)*

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government or economic  
development corporation)*

Monitoring wells properly abandoned? (234)

Yes  No  N/A

*\* Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE: Completion of this form is mandatory** for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:  PARCEL ID #:

ACTIVITY NAME:  WTM COORDINATES: X:  Y:

**CLOSURE DOCUMENTS** (the Department adds these items to the final GIS packet for posting on the Registry)

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Conditional Closure Letter**
- Certificate of Completion (COC)** for VPLE sites

**SOURCE LEGAL DOCUMENTS**

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
*Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #:**                      **Title:**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

**MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
*Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*  
**Figure #: 1**                      **Title: Site Location Map**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2**                      **Title: Site Detail Map**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2**                      **Title: Approximate Area of Excavation**

BRRTS #: 03-45-548290

ACTIVITY NAME: MCC Inc

**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

**Figure #:**                      **Title:**

**Figure #:**                      **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** This is intended to show the total area of contaminated groundwater.

**Figure #:**                      **Title:**

- Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

**Figure #:**                      **Title:**

**Figure #:**                      **Title:**

**TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))**

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.  
**Note:** This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

**Table #: 1                      Title: Summary of Laboratory Analysis Soil Samples**

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

**Table #: 2                      Title: Summary of Laboratory Analysis Groundwater Samples**

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

**Table #:                      Title:**

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

**Note:** If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

**Figure #:**                      **Title:**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 03-45-548290

ACTIVITY NAME: MCC Inc

## NOTIFICATIONS

### Source Property

- Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

- Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.  
**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.  
**Number of "Off-Source" Letters:**
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.  
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).  
**Number of "Governmental Unit/Right-Of-Way Owner" Letters:**



Commerce, Wisconsin 53001-1000  
TDD #: (608) 264-8777  
Fax #: (920) 424-0217  
Jim Doyle, Governor  
Jack L. Fischer, A.I.A., Secretary

May 5, 2008

Miko Murphy  
MCC Inc  
2600 Roemer Rd  
PO Box 1137  
Appleton, WI 54912-1137

RF: **Final Closure – Waste Oil Tank**

**Commerce # 54914-3120-11 A**      DNR BRRTS # 03-45-548290  
MCC Inc, 1911/1931 W Wisconsin Ave, Grand Chute

Dear Mr. Murphy:

The Wisconsin Department of Commerce (Commerce) has received all items required as conditions for closure of the site referenced above. This case is now listed as "closed" on the Commerce database and will be included on the Department of Natural Resources (DNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual contamination. It is in your best interest to keep all documentation related to the environmental activities that were conducted.

If residual contamination is encountered in the future, it must be managed in accordance with all applicable state and federal regulations. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0025.

Sincerely,

A handwritten signature in black ink that reads 'Tom Versteegen'.

Tom Versteegen  
Department of Commerce  
PECFA - Site Review Section

cc: Dave Fries - OMNNI Associates Inc



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
2129 Jackson Street  
Oshkosh, Wisconsin 54901-1805  
TDD #: (608) 264-8777  
Fax #: (920) 424-0217  
Jim Doyle, Governor  
Jack L. Fischer, A.I.A., Secretary

April 11, 2008

Mike Murphy  
MCC Inc  
2600 Roemer Rd  
PO Box 1137  
Appleton, WI 54912-1137

RE: **Conditional Case Closure**

**Commerce # 54914-3120-11-A DNR BRRTS # 03-45-548290**  
MCC Inc, 1911/1931 W Wisconsin Ave, Grand Chute

Dear Mr. Murphy:

The Wisconsin Department of Commerce (Commerce) has reviewed the request for case closure prepared by your consultant, OMNNI Associates Inc, for the site referenced above. It is understood that residual soil contamination remains on site. Commerce has determined that this site does not pose a significant threat to the environment and human health. No further investigation or remedial action is necessary.

**The following condition must be satisfied to obtain final closure:**

- **If it is not needed for any other environmental investigations occurring on the property,** monitoring well TMW-4 associated with the waste oil UST location must be properly abandoned within 60 days and the appropriate documentation forwarded to Commerce at the letterhead address within 120 days of the date of this letter. Noncompliance with the abandonment requirement and deadline can result in enforcement action and financial penalties.

This letter serves as your written notice of "no further action." Timely filing of your final PECFA claim (if applicable) is encouraged. If your claim is not received within 120 days of the date of this letter, interest costs incurred after 60 days of the date of this letter will not be eligible for PECFA reimbursement.

Thank you for your efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0025.

Sincerely,

A handwritten signature in black ink that reads "Tom Verstege".

Tom Verstege  
Department of Commerce  
PECFA - Site Review Section

cc: Dave Fries - OMNNI Associates Inc

951419

Valley Ready Mixed Concrete Company, a Wisconsin Corporation

conveys to Murphy Construction Co., a Wisconsin Corporation

the following described real estate in Outagamie County, State of Wisconsin:

REGISTER'S OFFICE  
OUTAGAMIE COUNTY, WI  
RECEIVED AND RECORDED ON

JAN 3 1989

At 11:00 AM

SECRET 7882

GRAND CHUTE

RETURN TO  
FRANZOL & FRANZOL, S.C.  
514 Racine Street  
MILWAUKEE, WI 53204

Tax Parcel No: 10 2-2401

Part of Lot Nine (9), ASSESSOR'S PLAT NO. 1, in the Northeast 1/4 of Section 20, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of said Lot 9 of Assessor's Plat No. 1, said point being on the East line of Perkins Street; thence North 0°-40'-58" West along said East line, 115.00 feet to the point of beginning; thence continuing North 0°-40'-58" West 75.68 feet; thence South 89°-10'-02" East, 200.00 feet to the East line of said Lot 9; thence South 0°-40'-58" East along said East line of Lot 9, 75.68 feet; thence North 89°-18'-02" West, 200 feet to the point of beginning. Parcel contains 15,131 square feet, more or less.

Lot 2 Assessor's Plat No. 1, Town of Grand Chute, Outagamie County, Wisconsin.

EX-1234567

This IS NOT ..... homestead property.  
(is) (is not)

Dated this 31 day of Dec 19 88

VALLEY READY MIXED CONCRETE COMPANY

By: Robert P. Murphy (SEAL)

Robert P. Murphy, President

Orville M. Murphy (SEAL)

Orville M. Murphy, Secretary

AUTHENTICATION

Signature(s) \_\_\_\_\_

authenticated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

TITLE: MEMBER STATE BAK OF WISCONSIN

(If not authorized by § 706.06, Wis. Stat.)

THIS INSTRUMENT WAS DRAFTED BY

FRANZOL & FRANZOL, S.C.

Attorneys at Law

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGEMENT

STATE OF WISCONSIN

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Robert P. Murphy and Orville M. Murphy  
President and Secretary, respectively,  
Valley Ready Mixed Concrete Company

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Joseph F. Franzol IV

Notary Public Winnebago County, Wis.  
My Commission is permanent, (if not, state expiration date) \_\_\_\_\_ 19 \_\_\_\_\_

J 11139 1 58

Document No. 1003296

Sept. 25, 1990

STATE OF WISCONSIN  
County of Outagamie  
County

Whereas the State of Wisconsin has determined it necessary to acquire, for the purpose set forth in and in accordance with said legislative enactments, a parcel of real estate and/or interests therein as set forth in and to which the following persons have an interest: Valley Ready Mix Concrete Co.,  
Valley Construction Co. (H.C.C. Inc.), Valley Bank, Appleton

The State of Wisconsin has determined it necessary to acquire, for the purpose set forth in and in accordance with said legislative enactments, a parcel of real estate and/or interests therein as set forth in and to which the following persons have an interest: Valley Ready Mix Concrete Co.,  
Valley Construction Co. (H.C.C. Inc.), Valley Bank, Appleton

Also included herein is 0.29 acre, more or less, lying within the existing right of way.  
Also a temporary limited easement for the right to construct a driveway along the north side of Lot 2, Assessor's Plat No. 1, located in the NE1/4-NE1/4 Section 28, T21N, R17E, including for such purpose the right to operate necessary equipment thereon, the right to ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil.  
This easement shall terminate upon completion of the construction project for which this easement is given.

Said parcel of real estate and/or interests therein will be occupied by the State of Wisconsin or its agents on April 30, 1991 (Date)

The State of Wisconsin, having complied with all jurisdictional requirements pursuant to law, makes this award of damages to the above persons having an interest in said parcel of real estate, in the sum of Fourteen Thousand Six Hundred Fifty and No/100

Dollars (\$ 14,650.00 ), for the acquisition of said parcel of real estate and/or interests therein as set forth.

The State of Wisconsin, having complied with all jurisdictional requirements pursuant to law, makes this award of damages to the above persons having an interest in said parcel of real estate, in the sum of Fourteen Thousand Six Hundred Fifty and No/100

Dollars (\$ 14,650.00 ), for the acquisition of said parcel of real estate and/or interests therein as set forth.

FEE  
EXEMPT

REGISTER'S OFFICE  
OUTAGAMIE COUNTY, WI  
RECEIVED AND RECORDED ON  
  
APR 23 1991  
  
n 830, 1000 A.M.  
JAN 11 1991  
Grace Herb  
County Clerk  
State of Wisconsin, Department of Transportation

State of Wisconsin, Department of Transportation  
  
X [Signature] 3-16-91  
(Date) (Date)  
  
This instrument was drafted by the State of Wisconsin  
Department of Transportation  
  
Project 1500-1-21 Parcel No. 1

J 12433 1 36

DOCUMENT NO.  
1085515

STATE BAR OF WISCONSIN FORM 1 - 1928  
WARRANTY DEED

THIS SPACE RESERVED FOR RECORDING DATA

REGISTER'S OFFICE  
OUTAGAMIE COUNTY, WI  
RECEIVED AND RECORDED ON

MAY 1 1992

By Robert Murphy  
Agent 12433 Agent 124  
Grace 124

Witness to

Wiss Packer Co.

Part of

Tax Parcel No: 10-2-2401

A certain 66 foot parcel of land in the  
Southwest corner of Lot 2, Assessor's Plat  
No. 10-2-2401, in the Northeast 1/4  
of Section 28, Township 21 North, Range 17 East, Town  
of Grand Chute, Outagamie County, Wisconsin, more particularly described  
as follows: Beginning at the southwest corner of said Lot 2; thence  
North 89 degrees 18 minutes 02 seconds west along the west line of said  
Lot 2, 65.00 feet to a point; thence South 89 degrees 18 minutes 02  
seconds East, parallel with the south line of said Lot 2, 65.00 feet to  
a point; thence South 0 degrees 39 minutes 34 seconds East, parallel with  
the west line of said Lot 2, 35.00 feet to a point in the south line of  
said Lot 2; thence North 89 degrees 18 minutes 02 seconds west, along  
the south line 65.00 feet to the point of beginning.

It is understood that the above described premises is to be combined with  
adjoining property of Grantee to the south and, therefore, Grantor does  
not undertake to guarantee or provide means of access to said premises.

TRANSFER  
\$ 15.00  
FEE

This is not ~~homestead~~ homestead property.

Together with all and singular the hereditaments and appurtenances thereto belonging:  
And GRANTOR  
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal  
and zoning ordinances.

and will warrant and defend the same.

Dated this 8TH day of MAY, 1992.

MURPHY CONSTRUCTION CO.  
Robert Murphy (SEAL) President  
ATTEST Francis W. Murphy (SEAL)  
By Francis W. Murphy, Treasurer

ATTESTATION

Signature(s) \_\_\_\_\_  
Subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

STATE BAR OF WISCONSIN  
(If not  
subscribed by § 208.04, Wis. Stat.)

THIS INSTRUMENT WAS DRAFTED BY  
MCC, Inc.

(Signatures may be authenticated or acknowledged. Both  
are not necessary.)

\*Names of persons starting in any capacity should be typed or printed below their signatures

WARRANTY DEED STATE BAR OF WISCONSIN FORM No. 1 - 1928

ACKNOWLEDGMENT

STATE OF WISCONSIN  
Outagamie County.  
Personally came before me this 8TH day of MAY, 1992, the above named  
ROBERT MURPHY, President, and  
FRANCIS W. MURPHY, Treasurer, of the  
above named corporation, MURPHY  
CONSTRUCTION CO.  
to me known to be the person(s) who executed the  
foregoing instrument and acknowledge the same.  
By Robert P. Otto  
Notary Public Outagamie County, Wis.  
My Commission is permanent (if not state expiration  
date: 5/31 1992)

10/3  
15/3

REGISTER'S OFFICE  
OUTAGAMIE COUNTY, WI  
RECEIVED AND RECORDED ON

MAY 14 1992

RELEASE OF EASEMENT

WITNESSED AND CONFIRMED BY THESE PRESENTS.

9 STICKS  
MAY 14 1992  
Grace Herb

MURPHY CONSTRUCTION CO., a Wisconsin corporation, does hereby release,  
and relinquish all of its right, title and interest in that certain  
easement granted by VALLEY READY MIXED CONCRETE CO., a Wisconsin corporation,  
dated the 30th day of June, 1956, and recorded in the office of the Register  
of Deeds in and for Outagamie County, State of Wisconsin, on the 5th day of  
June, 1962, in Volume 600 of Records, on Page 153, as Document No. 547254, and  
re-recorded on the 8th day of November, 1962, in Volume 614, on Page 107, as  
Document No. 552106, to correct description. Said easement affected premises  
described as Lot 2, Assessor's Plat No. 1, a recorded subdivision in the  
Northeast 1/4 and the Southeast 1/4 of Section 28, Township 21 North, Range 17  
East, Town of Grand Chute, Outagamie County, Wisconsin.

IN WITNESS WHEREOF, said MURPHY CONSTRUCTION CO. has caused these presents to  
be executed on its behalf by its duly authorized officers, and its corporate  
seal here unto affixed this 8TH day of MAY, 1992.

In Presence of:

MURPHY CONSTRUCTION CO.

By [Signature]  
Robert Murphy, President

ATTEST:

By [Signature]  
Francie W. Murphy, Treasurer

Return to - W. Power Co

J 12433 1-38

STATE OF WISCONSIN

: SS

WISCONSIN COUNTY

Personally came before me this 8TH day of MAY, 1992,  
WALTER MURPHY, President, and FRANCIS W. MURPHY, Treasurer, of the above named  
 corporation, MURPHY CONSTRUCTION CO., known to me to be the persons who  
 executed the foregoing instrument and to me known to be such President and  
 Treasurer, of said corporation, and acknowledged that they executed the  
 foregoing instrument and to me known to be such President and Treasurer of  
 said corporation, and acknowledged that they executed the foregoing instrument  
 as such officers, as the deed of said corporation, by its authority.

*David P. [Signature]*

Notary Public, CATWAMIC Co., WI

My commission expires May 8, 1997

This instrument was prepared by HCC, Inc.

THIS INDENTURE, made this 16 day of July, 1956, between FOX VALLEY CONSTRUCTION CO., INC., a Wisconsin Corporation, of Appleton, Wisconsin, party of the first part and MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILROAD COMPANY, a Minnesota Corporation, party of the second part.

WITNESSETH, that said party of the first part, in consideration of One Dollar and other valuable considerations, to it in hand paid by said party of the second part, receipt whereof is hereby acknowledged, does hereby Grant and Convey unto said party of the second part, its successors and assigns, the right to use for the purposes hereinafter set forth, and an easement upon and over:

a strip of land sufficient in width for the construction, maintenance and operation of a portion of the railroad spur track extending across the following described parcel of land in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Twenty-eight (28), Township Twenty-one (21), North, Range Seventeen (17) East, Outagamie County, Wisconsin, bounded and described as follows: Beginning at a point on the North line of said Section Twenty-eight (28) and One Hundred (100) feet West of the Northeast Section Corner; thence South and parallel to the East boundary of the Section a distance of Four Hundred (400) feet; thence West and parallel to the North boundary of said Section a distance of One Hundred Thirty (130) feet; thence South and parallel to the East boundary of the Section a distance of One Hundred Thirty-two (132) feet; thence East and parallel to the North boundary of said Section a distance of One Hundred Thirty (130) feet; thence South and parallel to the East boundary of said Section a distance of One Hundred Seventy-two (172) feet; thence West and parallel to the North boundary of said Section a distance of Two Hundred Forty-seven and Five Tenths (247.5) feet; thence North and parallel to the East line of the Section, Seven Hundred Four (704) feet to the North Section line; thence East on said North Section line Two Hundred Forty-seven and five tenths (247.5) feet to the place of beginning. The location of said portion of the spur track is substantially in the location shown by a red line on the map hereto attached, marked "Exhibit A".

TO HAVE AND TO HOLD, exercise and enjoy the right and easement hereby granted to said party of the second part, its successors and assigns, for an unlimited period of time, SUBJECT to the condition that whenever said portion of the spur track shall no longer be required for its intended purpose and shall have been removed from the above described land, said right and easement shall forthwith wholly terminate. And said party of the first part does covenant with said party of the second part that it is well seized in fee of the above described land involved and has good right to Grant and Convey said right and easement.

527

1950+28  
1950+40 Fm. X-ing

Aug Kitzke  
G 25 Ac

1947+28 30" Conc. Pipe 28

52  
1950 1948+66



SE-SE H.B. 1957+00

56+54 36" Conc. Pipe 32

Fence 1956+64 SW-SW

T. 21 N.

1960

R. 17 E.

2642

N. line of Sec. 28

22

21

NE Cor. Sec. 28

50' (Potted in place 5-143-51)

1968+55 24" Conc. Pipe 26/1330

20

27

1966+64.5 5x15 Conc. Box 21" Call'le Pass  
36" x 16" G.I.P. on tr.

H.B. 1967+72

1968+92.6  $\Delta = 0^{\circ}24'1/2$

1968+92.6 15" x 22" G.I.P.

1970

1970+14 to 71+64.15

RET. WALL

H.B. Sta. 1972+41

Construct 700' Spur

NE 1/4 NE 1/4

(Fl. end) 30" x 40" G.I.P. 1972+85

FOREST AVE  
COG W R

1980

65

1982+39 H.B.

355.64 24' x 16" N.M.C.P. & 24' x 10" G.I.P. 1981-50

Document Number **1228676**

**DEED BY CORPORATION**

Exempt from fee: s.77.25(2r) Wis. Stats.  
RE3006 896

THIS DEED, made by MCC, INC, A WISCONSIN CORPORATION  
a corporation duly organized and existing under the laws of the State of \_\_\_\_\_  
and duly authorized to transact business in the State of Wisconsin, with its principal  
place of business at 1911 W WISCONSIN AVE  
City of APPLETON County of Outagamie  
State of Wisconsin GRANTOR, conveys  
and warrants the property described below to STATE OF WISCONSIN DEPARTMENT  
OF TRANSPORTATION GRANTEE, for the sum of Five Thousand Fifty and  
NO/100 Dollars (\$5,050.00)

**"NOTICE OF RIGHT TO APPEAL"**

Any person named in this deed may make an appeal from the amount of  
compensation within six months after the date of recording of this deed as set forth  
in s.32.06(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount  
of compensation stated on the deed shall be treated as the award, and the date the  
deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property: VALLEY BANK

FEE  
\$ 2.11  
EXEMPT

**OUTAGAMIE COUNTY  
RECEIVED FOR RECORD**

**MAY 30 1997**

**AT 8:30  
O'CLOCK A.M. P.M.  
GRACE HERB  
REGISTER OF DEEDS**

This space is reserved for recording data

Return to: Wisconsin Department of Transportation  
844 Vanderperren Way  
Green Bay, WI 54304-0080

*6/12/97*

Parcel Identification Number/Tax Key Number  
(Tax key # 10-2-2401-00)

**LEGAL DESCRIPTION IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

The undersigned certify that this instrument is being executed pursuant to a resolution of the board of directors (or shareholders, if authorized by law) of GRANTOR corporation.

MAY 5, 1997  
(Date)

**CORPORATE ACKNOWLEDGEMENT**

MCC INC  
(Corporation Name)  
[Signature]  
(Officer Signature)  
LARRY R GAGE PRES.  
(Print Name, Title)  
Bonnie K. Rubedeau  
(Officer Signature)  
Bonnie K. Rubedeau Secretary  
(Print Name, Title)

State of WISCONSIN )  
OUTAGAMIE County ) ss.  
On the above date, this instrument was acknowledged  
before me by the named person(s) or officers.  
[Signature]  
(Signature, Notary Public, State of Wisconsin)  
Robert F. Thayer  
(Print or Type Name, Notary Public, State of Wisconsin)  
December 17, 2000  
(Date Commission Expires)

Project I.D. 1502-04-21 This instrument was drafted by the Wisconsin Department of Transportation. Parcel No. 27

**LEGAL DESCRIPTION**

Fee Title in and to the following tract of land in Lot 2, ASSESSOR'S PLAT NO. 1, being part of the NE ¼ of the NE ¼ of Section 28, T21N, R17E, Town of Grand Chute, Outagamie County, State of Wisconsin. Said Parcel includes all land of the owner contained within the following described traverse:

Commencing at the south ¼ corner of Section 21; thence along the south line of Section 21 N89°35'11"E a distance of 1693.30 feet to the point of beginning; thence S00°24'49"E a distance of 40.83 feet to the existing southerly right-of-way of Wisconsin Avenue; thence N89°21'30"E a distance of 461.91 feet; thence S85°27'24"E a distance of 108.91 feet; thence N89°21'30"E a distance of 275.22 feet to the existing westerly right-of-way of the Wisconsin Central Ltd.; thence along said existing westerly right-of-way of the Wisconsin Central Ltd. N01°46'13"W a distance of 2.31 feet to the existing southerly right-of-way of Wisconsin Avenue; thence continuing along the existing westerly right-of-way of the Wisconsin Central Ltd. N01°46'13"W a distance of 43.65 feet; thence continuing along the said right-of-way N00°36'38"W a distance of 1.36 feet to the south line of the SE ¼ of Section 21; thence along said line S89°35'11"W a distance of 844.53 feet to the point of beginning.

Said parcel contains 0.04 acres, more or less.

Also acquired herein are all existing, future or potential common law or statutory easements or rights of vehicular access between herein highway designated as Wisconsin Avenue and all abutting real property of the owner, whether acquired by separate conveyance or otherwise, in Lot 2, ASSESSOR'S PLAT NO. 1, being part of the NE ¼ of the NE ¼ of Section 28, T21N, R17E, Town of Grand Chute, Outagamie County, State of Wisconsin, except by means of three access points located on the westerly 357 feet of said property.

Also a 16.40 foot wide temporary limited easement for sloping, lying adjacent to the southerly right-of-way line of Wisconsin Avenue, on that land of the owner in Lot 2, ASSESSOR'S PLAT NO. 1, being part of the NE ¼ of the NE ¼ of Section 28, T21N, R17E, Town of Grand Chute, State of Wisconsin, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil.

Said temporary easement shall terminate upon completion of the construction project for which this instrument is given.

Tax No. 10-2-2401

Project I.D. 1502-04-21

06/19/96  
Page 2 of 2

Parcel No. 27

# ALTA/ACSM Land Title Survey

Part of Lot 2, Assessor's Plat No. 1, being part of the Northeast 1/4 of the Northeast 1/4, Section 28, T21N R17E, Town of Grand Chute, Outagamie County, Wisconsin

North line, NE 1/4, Sec

**DESCRIPTION**

Part of Lot 2, Assessor's Plat No. 1, Town of Grand Chute, Outagamie County Wisconsin which is more fully described as follows:

Beginning at the Southeast Corner of said Lot 2; thence N89°18'02"W, 435.45 feet along the south line of said Lot 2; thence N00°41'03"W, 35.00 feet along the east line of lands described in Jacket 12433, Image 36; thence N89°18'02"W, 65.00 feet along the north line of said lands; thence N00°41'03"W (recorded as N00°39'34"W), 629.53 feet along the west line of said Lot 2; thence S89°31'43"E, 116.92 feet along the south right-of-way line of S.T.H. "96"; thence S84°20'37"E, 108.91 feet along said south line; thence S89°31'43"E, 275.22 feet along said south line; thence S00°41'03"E (recorded as S00°39'34"E), 656.68 feet along the east line of said Lot 2 to the point of beginning.

Said parcel contains 327450 square feet of land or 7.52 acres, more or less, and is subject to all easements and restrictions of record.

To MCC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes no items of table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Wisconsin, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

*David Hebert* 11-27-07  
 David Hebert RLS registration # S-2312 Date



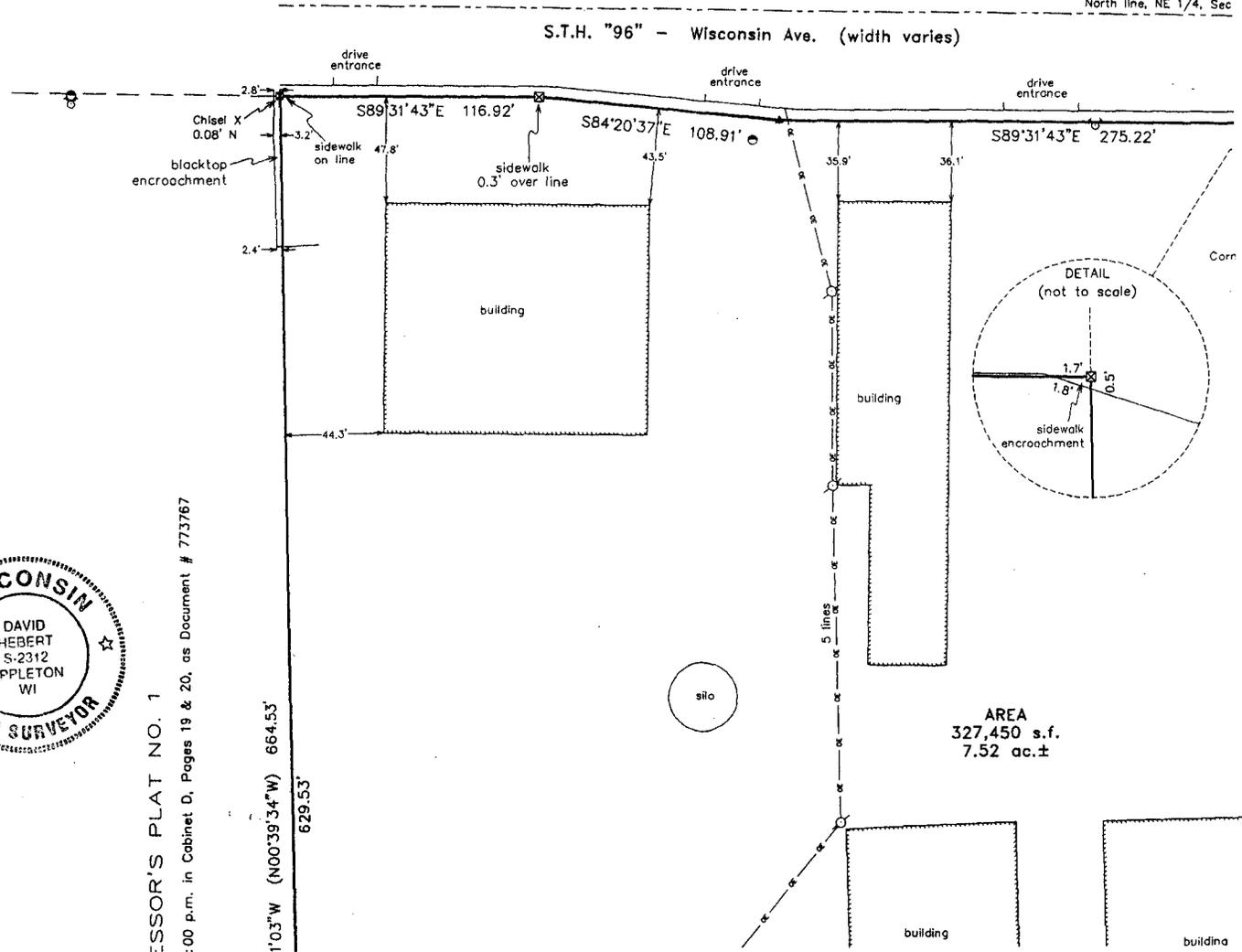
**NOTES:**

1. Subject to access restrictions as described in Document # 1228676, dated May 30, 1997. The three existing access points are allowed.
2. The spur track easements as described in Volume 468, Page 525, recorded on July 16, 1956 and in Volume 468, Page 527, recorded on July 16, 1956 have terminated due to removal of the spur track. There is no longer any evidence of the spur track on the subject property.

ASSOR'S PLAT NO. 1

:00 p.m. in Cabinet D, Pages 19 & 20, as Document # 773787

1'03"W (N00°39'34"W) 664.53'  
 629.53'





P.O. Box 1137  
Appleton, WI 54912-1137  
Phone: 920-749-3360  
Fax: 920-749-3384

TO: Dave Fries  
Omni Eng.

RE: 2500 gallon waste oil underground tank

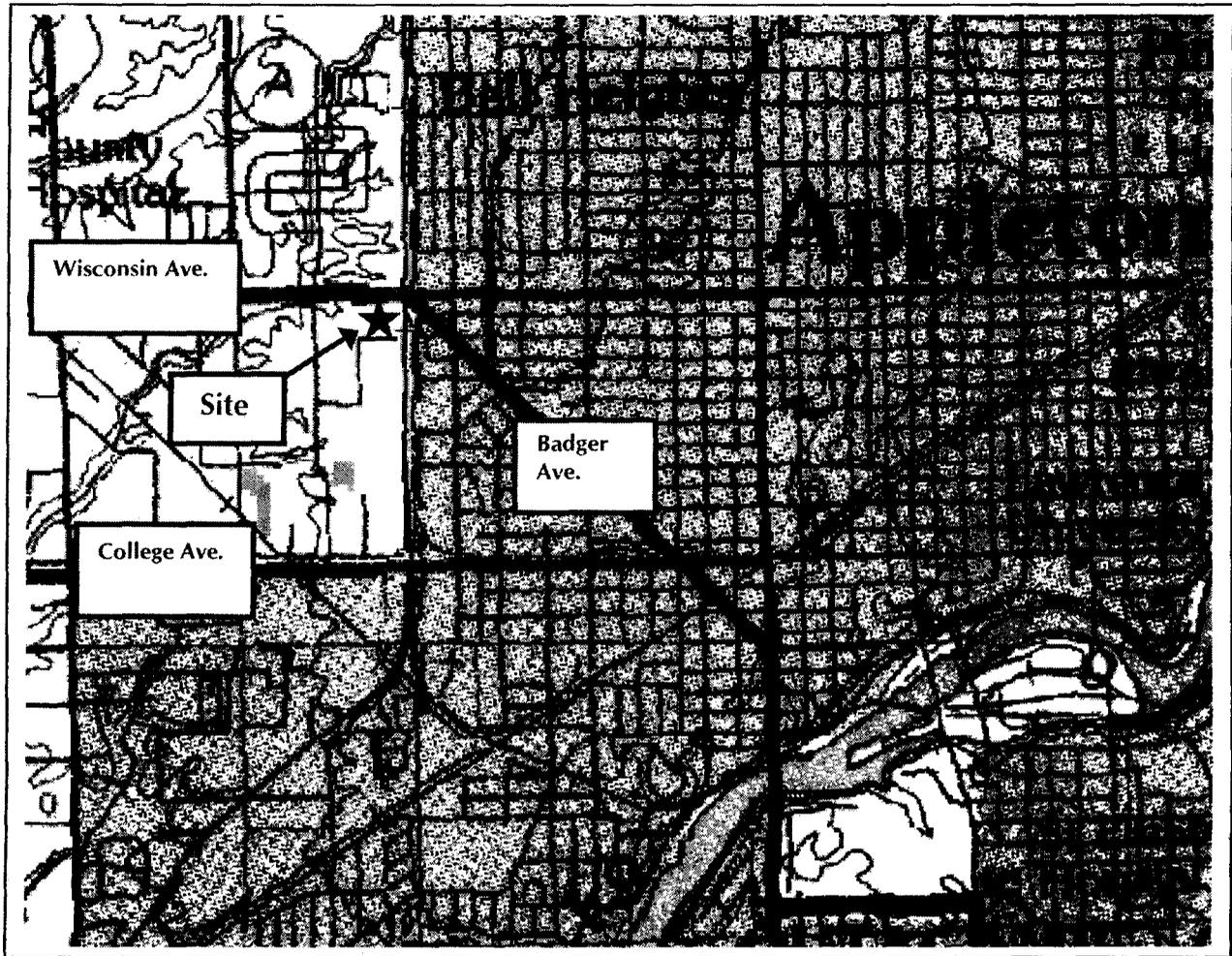
Dear Sirs,

I Michael Murphy, Representative for MCC, Inc. believe that to the best of my knowledge the legal description attached is complete and accurate.

Sincerely  
MCC, Inc.

A handwritten signature in black ink, appearing to read 'Michael Murphy', is written over the typed name.

Michael Murphy



Source: Wisconsin DNR WebView, 2007



Figure 1  
Site Location Map

Murphy Concrete and Construction Property  
1911 - 1931 W. Wisconsin Ave.  
Grand Chute, Outagamie County, Wisconsin  
WTM91 644726, 423299

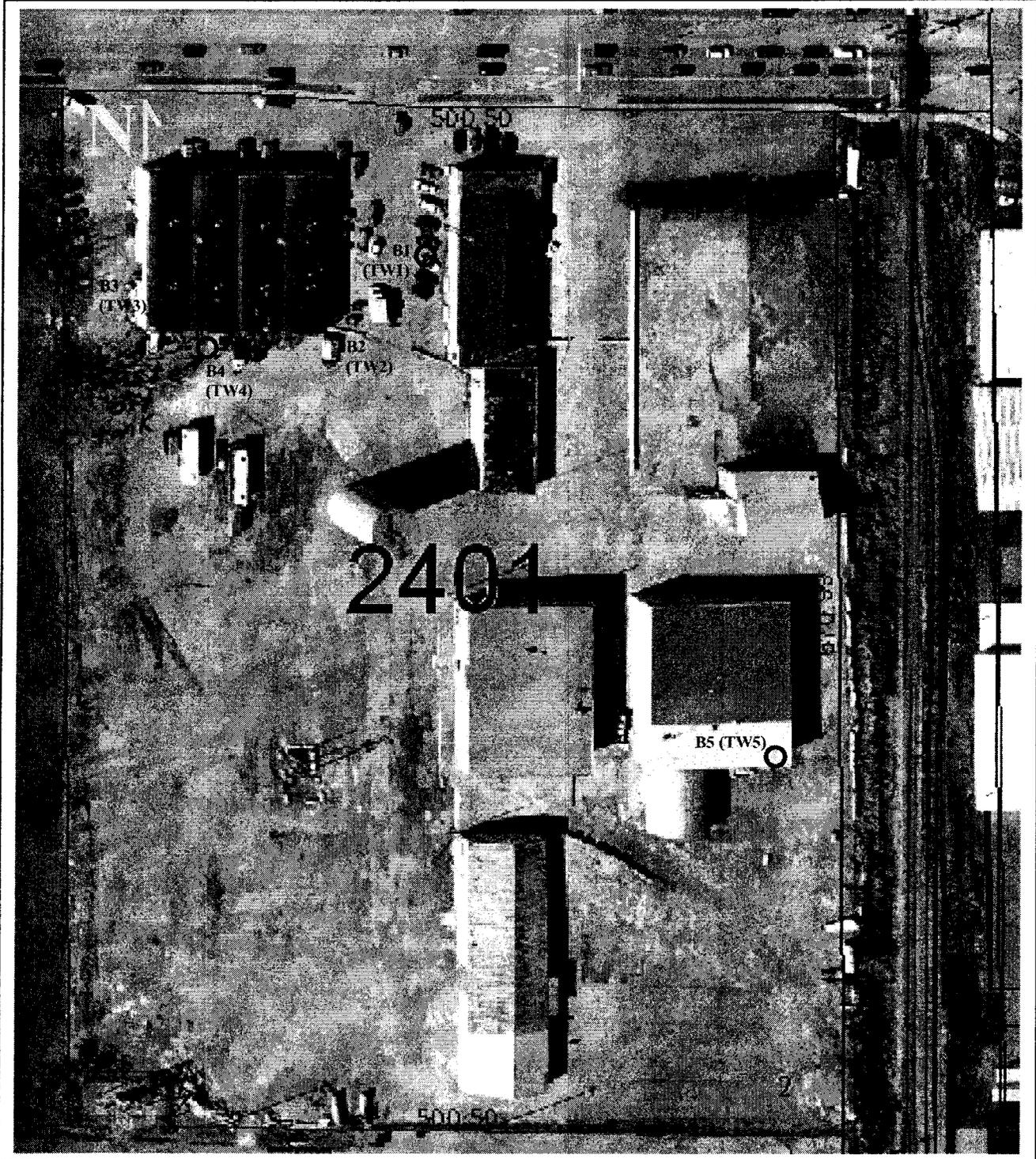


Project Number:  
N1966A07

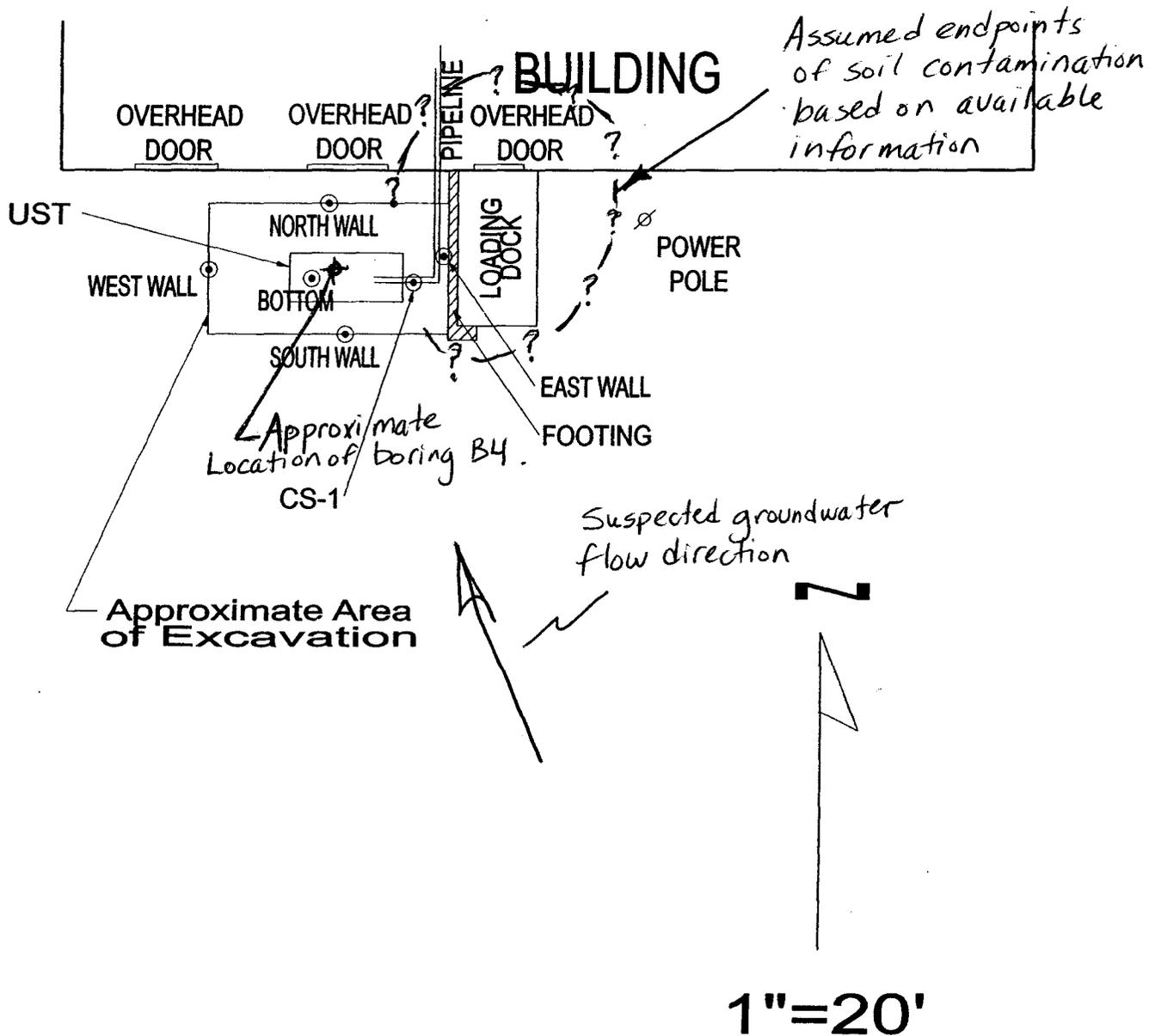
Date: November 2,  
2007

One Systems Drive, Appleton, Wisconsin 54914-1654  
Phone: (920) 735-6900 Fax: (920) 830-6100

Figure 2 - Site Detail Map



○ = boring (temporary well) location  
B1 (TW1)



**Notes:**

CS-1

⊙ = Soil Sample Location

Source:

**KU Resources, Inc.**  
 419 Bretcoe Drive  
 Green Bay, Wisconsin  
 54302

**Figure 2**  
 Approximate Area of Excavation  
 SOIL SAMPLE LOCATION DIAGRAM  
 MCC, INC. PROPERTY  
 1911 W. WISCONSIN AVE.  
 APPLETON, WISCONSIN

**Scale:**  
 1"=20'

TABLE 1  
SUMMARY OF LABORATORY ANALYSIS  
SOIL SAMPLES

PARAMETER	NR 720.09 RCLs based on protection of groundwater	CS 1	North Wall	South Wall	East Wall	West Wall	Bottom	B4-6 (TW4)
SAMPLE DEPTH (feet)		6.0	8.0	9.5	8.0	9.5	9.5	10.0 - 12.0
SAMPLE DATE		9/12/06	9/12/06	9/12/06	9/12/06	9/12/06	9/12/06	2/13/07
PHI LEVEL (ppm - isobutylene equivalents)		-	-	-	-	-	-	6
DIESEL RANGE ORGANICS ( DRO) (mg/kg)	250	<b>13,500</b>	< 10	< 10	<b>1,610</b>	<10	<10	< 10
P.VOCs (µg/kg)								
BENZENE	5.5	< 25	NA	NA	NA	NA	NA	NA

RCL = residual contaminant level

**1,610** = sample concentration detected above the NR 720.09 residual contaminant level

TABLE 2  
SUMMARY OF LABORATORY ANALYSIS  
GROUNDWATER SAMPLES

\*

PARAMETER (µg/L)	ES	PAL	TW1 (B1)	TW2 (B2)	TW3 (B3)	TW4 (B4)	TW5 (B5)
SAMPLE DATE			2/19/07	2/19/07	2/19/07	2/19/07	2/19/07
DETECTED VOCs							
BENZENE	5	0.5	< 0.47	0.63 "J"	< 0.47	< 0.47	3040
sec-BUTYLBENZENE	-	-	NA	< 0.36	< 0.36	< 0.36	38 "J"
n-BUTYLBENZENE	-	-	NA	< 0.52	< 0.52	< 0.52	84
CHLOROFORM	6	0.6	< 0.48	0.76 "J"	< 0.48	< 0.48	< 24
ETHYLBENZENE	700	140	< 0.38	0.40 "J"	< 0.38	< 0.38	750
ISOPROPYLBENZENE	-	-	NA	< 0.48	< 0.48	< 0.48	58 "J"
METHYL-TERT-BUTYL-ETHER (MTBE)	60	12	< 0.52	< 0.52	< 0.52	< 0.52	< 26
NAPHTHALENE	100	10	NA	< 1.8	< 1.8	< 1.8	370
n-PROPYLBENZENE	-	-	NA	< 0.38	< 0.38	< 0.38	130
TOLUENE	1,000	200	0.53 "J"	1.58	< 0.46	< 0.46	28 "J"
1,2,4-TRIMETHYLBENZENE	480	96	1.35 "J"	< 1.2	< 1.2	< 1.2	1180
1,3,5-TRIMETHYLBENZENE	(combined)	(combined)	0.47 "J"	< 0.37	< 0.37	1.49	282
m&p-XYLENE	10,000	1,000	1.13 "J"	2.13	< 0.67	< 0.67	2540
o-XYLENE			0.87 "J"	0.41 "J"	< 0.32	< 0.32	208

1911      1931      1931      1931      1911

ES = enforcement standard  
 PAL = preventive action limit  
208 = sample concentration detected above the preventive action limit  
750 = sample concentration detected above the enforcement standard

\* TW-5 part of another investigation.